

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

PAUL MINIX §
VS. § CIVIL ACTION NO. 9:19cv107
TEXAS DEPARTMENT OF CRIMINAL §
JUSTICE, ET AL.

ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Paul Minix, an inmate at the Eastham Unit, proceeding *pro se*, brought the above-styled lawsuit pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this action be dismissed without prejudice pursuant to 28 U.S.C. § 1915(g).

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

On December 9, 2019, plaintiff filed a motion asking the above-styled action be dismissed without prejudice because he does not wish to pursue his claims. As plaintiff filed his motion prior to the service of an answer or motion for summary judgment by the defendants, plaintiff is entitled to dismiss this action without prejudice. *See* FED. R. CIV. P. 41(a)(1).

O R D E R

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED** to the extent it recommended dismissal without

prejudice. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

So **ORDERED** January 7, 2020.



Ron Clark
Senior District Judge